

Appeals Process/Time-Critical Steps

Wetlands Bureau – Wetlands Council – Superior Court

See <http://gencourt.state.nh.us/rsa/html/L/482-A/482-A-10.htm> and www.des.state.nh.us/rules/env-c200.pdf

See <http://gencourt.state.nh.us/rsa/html/I/21-O/21-O-5-a.htm> and www.des.state.nh.us/rules/envwtc200.pdf

ACTION	BY WHOM	TIMEFRAME	TO WHOM	“TRIGGER” DATE
Appellant files Petition for Appeal of Bureau decision with Council	Appellant	30 calendar days	Council	Date of Bureau’s reconsideration denial
Clerk of the Council reviews Petition for Appeal for “completeness”/and sets pre-hearing conference date (if Petition is “complete”)	Appellant	15 calendar days	Council Clerk	Receipt date of Petition for Appeal from appellant
Party filing an appearance files reply to appeal or motion to dismiss	Any party	15 calendar days	Council	Service date of the Petition for Appeal
Bureau provides two copies of the certified record to Council	Bureau	15 calendar days	Council	Council acceptance date of Petition for Appeal or Request for Public Hearing
At its next regularly scheduled meeting, Council considers petition and any replies to appeal or motions to dismiss, and may issue order for appeal proceedings	Council	At Council’s next regularly scheduled meeting	All parties	(Not applicable)
Written motions at the hearing	Any party	5 calendar days	Council	Receipt date of the motion
Oral motions at the hearing	Any party	At the hearing	Council	At the hearing
Council upholds Bureau decision/order - issues written decision - appealed	Appellant or Bureau	20 calendar days	Council	Date of Council’s order and written decision
Council finds Bureau’s decision/order “unlawful” and/or “unreasonable” – remands case to Bureau - Bureau appeals for reconsideration of Council’s decision				
Council changes earlier decision – issues new decision/order - further appeal to Council	Council	20 calendar days	Bureau or Appellant	Date of Council’s order and written decision
Council affirms earlier decision – appealed to Superior Court	Bureau or Appellant	30 calendar days	Superior Court	Issuance date of Council’s decision